

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 SEP 18 AM 9:48

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
Noel PALOS-Juarez)
)
 Defendant.)
)

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
07 MJ 2254

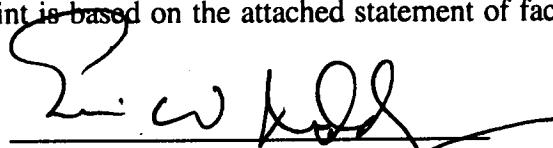
BY: *PDR* DEPUTY

COMPLAINT FOR VIOLATION OF
Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

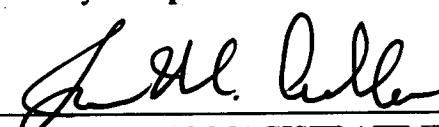
On or about **September 17, 2007**, within the Southern District of California, defendant **Noel PALOS-Juarez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Eric Neddermeyer, U.S. Customs and Border
Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 18th day of September 2007.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On September 17, 2007, at approximately 0735 hours, **Noel PALOS-Juarez (Defendant)** attempted entry into the United States from Mexico through the San Ysidro Port of Entry pedestrian primary lanes. Defendant presented himself for inspection to a U.S. Customs and Border Protection (CBP) Officer. CBP Officer asked Defendant to state his citizenship. Defendant declared to be a United States citizen by virtue of birth in Apple Valley, California. The CBP Officer asked Defendant if he was bringing anything from Mexico. Defendant stated he was not bringing anything from Mexico. The CBP officer asked Defendant where he was going. Defendant stated he was going to San Diego, California. The CBP officer suspected that the Defendant had made an oral false claim to United States citizenship and referred Defendant to secondary for further inspection.

In secondary, a CBP Officer queried Defendant by 10-digit fingerprint submission through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, verifying Defendant's identity and linking him to law enforcement and immigration records. CBP systems queries including Central Index System (CIS) and Deportable Alien Control System (DACS) reveal Defendant is an alien previously deported from the United States.

Immigration records reflect that Defendant is a citizen of Mexico who has no entitlements to enter the United States. Immigration records also show that on or about March 29, 2006, an Immigration Judge ordered Defendant deported from the United States to Mexico. Immigration records also indicate that Defendant was physically removed from the United States on March 30, 2007. CBP records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States or his designated successor, or the Secretary of the Department of Homeland Security to legally enter the United States.